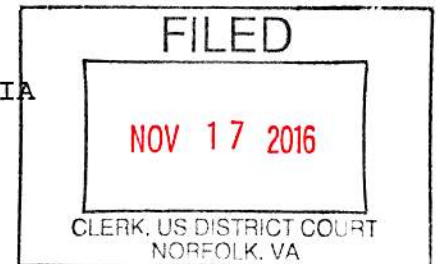


UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Norfolk Division



RANDY WARREN JEFFERSON, #1120011,

Petitioner,

v.

CIVIL ACTION NO. 2:15cv450

HAROLD W. CLARKE, Director,  
Virginia Department of Corrections,

Respondent.

FINAL ORDER

Petitioner, a Virginia inmate, submitted a *pro se* Petition, pursuant to 28 U.S.C. § 2254. ECF No. 1. The Petition alleged violations of federal rights pertaining to Petitioner's convictions in the Circuit Court for the City of Norfolk for Possession of Heroin with Intent to Distribute, in violation of Virginia Code § 18.2-248. As a result of the conviction, Petitioner was sentenced on February 26, 2013, to serve ten years in prison and was found in violation of his previously suspended sentences, resulting in an active sentence of thirteen years. ECF. No. 7, attach. 1 at 2.

The matter was referred to a United States Magistrate Judge pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia for report and recommendation. The Report and Recommendation filed October 12, 2016, recommends

dismissal of the Petition. ECF No. 14. Each party was advised of his right to file written objections to the findings and recommendations made by the Magistrate Judge. On October 31, 2016, the Court received Petitioner's objections to the Report and Recommendation. ECF No. 15.

The Court, having reviewed the record and examined the objections filed by Petitioner to the Report and Recommendation, and having made de novo findings with respect to the portions objected to, does hereby **ADOPT** and **APPROVE** the findings and recommendations set forth in the Report and Recommendation filed October 12, 2016. It is, therefore, **ORDERED** that the Respondent's Motion to Dismiss, ECF No. 5, be **GRANTED**, and that the Petition, ECF No. 1, be **DENIED** and **DISMISSED WITH PREJUDICE**. It is further **ORDERED** that judgment be entered in favor of Respondent.

Petitioner has simply repeated the claims he made in his original petition, and failed to demonstrate "a substantial showing of the denial of a constitutional right," therefore, the Court declines to issue any certificate of appealability pursuant to Rule 22(b) of the Federal Rules of Appellate Procedure. *See Miller-El v. Cockrell*, 537 U.S. 322, 335-36 (2003).

Petitioner is hereby notified that he may appeal from the judgment entered pursuant to this Final Order by filing a written notice of appeal with the Clerk of this court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510, within

thirty days from the date of entry of such judgment.

The Clerk shall forward a copy of this Final Order to Petitioner and counsel of record for Respondent.

It is so ORDERED.

\_\_\_\_\_  
/s/  
Rebecca Beach Smith  
Chief Judge  
\_\_\_\_\_  
REBECCA BEACH SMITH  
CHIEF UNITED STATES DISTRICT JUDGE

Norfolk, Virginia  
November 17, 2016